



Attorney Docket No.: DBT-003

2837

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Georges

Serial No.: 09/690,911

Filed: October 17, 2000

For: Virtual Radio

Examiner: Witkowski, S.

Group Art Unit: 2837

INFORMATION DISCLOSURE STATEMENT

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Commissioner for Patents  
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Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, publications and other information listed on the attached PTO-1449. A copy of each listed document is enclosed except for: (a) pending applications or (b) those previously cited or submitted to the Office in the following application(s) upon which this application relies for an earlier filing date under 35 U.S.C. 120:

Serial No.: \_\_\_\_\_

Filing Date: \_\_\_\_\_

Regarding the document(s), publication(s) or other information listed on the attached PTO-1449, Applicant(s) believe(s) the same may qualify as "prior" art to this application and should be treated accordingly, although Applicant(s) reserve(s) the right to contest the prior art status of any document, publication or information cited herein.

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2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- (a) ☐ Copy of each English language version of a search report indicating the degree of relevance found by the foreign office of each document being submitted from the search report.
- (b) ☐ Attachment entitled "Concise Explanation of Relevance of Non-English Language Documents."

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed (one must be checked):

- (a) ☐ Within 3 months of the filing date or date of entry into the National Stage.
- (b) ☐ Before the mailing date of a first Office Action on the merits. If this Statement is not filed before the mailing date of a first Office Action on the merits, the required certification is given below or, in the absence thereof, the Office is authorized to charge the required fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 50-0251 for consideration of this Statement.

- (c) ☒ After the period set forth in 37 C.F.R. 1.97(b) but before the mailing date of either a final action or a notice of allowance.

- (1) ☐ The required certification is given below, or
- (2) ☐ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement, or
- (3) ☒ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 50-0251.

- (d) ☐ After the mailing date of either a final action or a notice of allowance, but before payment of the issue fee. Petition hereby is made for consideration of this Statement and the required certification is indicated below.

- (1) ☐ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(i)(1), or
- (2) ☐ Charge the fee set forth in 37 C.F.R. 1.17(i)(1) to Deposit Account No. 50-0251.

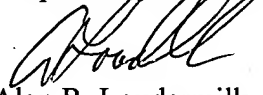
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4. Certification (if applicable)

- (a) ☐ The undersigned hereby certifies that each item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Statement.
- (b) ☐ The undersigned hereby certifies that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the undersigned's knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Statement.

5. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-0251.

Respectfully submitted,

  
Alan R. Loudermilk  
Registration No. 32,788  
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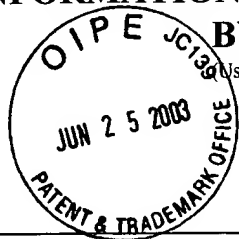
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I hereby certify that the foregoing is being deposited with the U.S. Postal Service, addressed to: ~~Mail Stop DD,~~  
Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, this 23rd day of JUNE 2003.

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| Form PTO-1449<br>(REV. 7-92)<br><b>INFORMATION DISCLOSURE STATEMENT</b><br><b>BY APPLICANT</b><br>(Use several sheets if necessary) | U.S. DEPARTMENT OF COMMERCE<br>Patent and Trademark Office | Attorney's Docket Number<br><br>DBT-003 | Serial No.<br><br>09/690,911 |
|   |  | Applicant(s): Georges                   |                              |
|   |  | Filing Date: 10/17/2000                 | Group Art Unit: 2837         |



### U.S. PATENT DOCUMENTS

| *EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE    | NAME     | CLASS | SUBCLASS | FILING DATE IF<br>APPROPRIATE |
|----------------------|-----------------|---------|----------|-------|----------|-------------------------------|
|                      | 5 6 7 5 5 5 7   | 10/7/97 | Hubinger | 369   | 4        |                               |
|                      | 5 7 8 7 3 9 9   | 7/28/98 | Lee      | 704   | 270      |                               |
|                      | 5 8 0 1 6 9 4   | 9/1/98  | Gershen  | 345   | 339      |                               |
|                      | 5 8 6 4 8 6 8   | 1/26/99 | Contois  | 707   | 104      |                               |
|                      | 5 8 8 6 2 7 4   | 3/23/99 | Jungleib | 84    | 601      |                               |
|                      | 5 9 0 0 5 6 6   | 5/4/99  | Mino     | 84    | 610      |                               |
|                      | 5 9 1 4 9 4 1   | 6/22/99 | Janky    | 370   | 313      |                               |
|                      | 6 1 2 1 5 3 3   | 9/19/00 | Kay      | 84    | 616      |                               |
|                      | 6 5 0 6 9 6 9   | 1/14/03 | Baron    | 84    | 609      |                               |

### FOREIGN PATENT DOCUMENTS

| DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |
|-----------------|------|---------|-------|----------|-------------|
|                 |      |         |       |          |             |
|                 |      |         |       |          |             |
|                 |      |         |       |          |             |

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|  |  |
|--|--|
|  | Combining musical theory and practice, IBM Computer Music Center, apparently June 29, 1995   |
|  | GenJam: An Interactive Genetic Algorithm Jazz Improviser, John A. Biles, popular version of paper 4pMU1 apparently presented Dec. 4, 1997. |
|  | GenJam: A Genetic Algorithm for Generating Jazz Solos, John A. Biles, date apparently after 1993   |
|  | GenJam Populi: Training an IGA via Audience-Mediated Performance, John A. Biles, apparently Sept. 15, 1995                                 |
|  | Information on how to purchase Kid Riffs, IBM, date unknown  |
|  | Interactive GenJam: Integrating Real-Time Performance with a Genetic Algorithm, John A. Biles, apparently after 1996                       |
|  | Hemmings, Richard, Scary Computer Music, apparently from Avant Magazine, Issue 7, Summer 1998, p. 12.                                      |
|  | Kid Riffs, IBM Computer Music Center, date unknown   |
|  | Louis, Duke, Miles – and MAC? Business Week Archives, apparently Dec. 18, 1995   |
|  | Music Sketcher, IBM Computer Music Center, date unknown  |
|  | Music Sketcher Section Details, IBM, apparently 1998   |
|  | Musical Computers, Miles Davis, version 2.1, apparently from The Economist, Dec. 6, 1997, p. 92  |
|  | Roland Corporation, "Personal Music Assistant Owner's Manual", Dec. 18, 1995, Entire Manual.   |

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| EXAMINER   | DATE CONSIDERED |
| *EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                 |